

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

DANIEL GRAHAM,
Plaintiff

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v.

JOHN DOES 1-25,
Defendants

CASE NUMBER: 1:23-cv-00254-LY

DEMAND FOR JURY TRIAL

PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE
PLAINTIFF’S SECOND AMENDED COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT:

NOW COMES Plaintiff, Daniel Graham (“Plaintiff” or “Graham” herein), and pursuant to Fed. R. Civ. P. 15(a)(2), hereby respectfully moves the Court for leave to file Plaintiff’s Second Amended Complaint (Exhibit A incorporated by reference in this pleading) and shows the Court as follows:

1. On March 8, 2023, Graham filed Plaintiff’s Complaint against unknown Defendants, John Does 1-25 (primarily for TCPA claims), regarding a series of phone calls by unknown callers (Dkt. 1). On March 20, 2023, Graham subsequently amended the complaint (Dkt. 2).

2. On March 21, 2023, the Court granted Plaintiff’s Motion for Leave to Serve Third-Party Subpoena on Onvoy, LLC so that Graham could identify the owner of the subject phone line that was the source of the phone calls (Dkt. 4).

3. Graham thereafter served a subpoena on Onvoy, LLC and recently received a subpoena response identifying TALKASIA VOIP, LLC (“TALKASIA” herein), as the owner of the subject phone number.

4. Consequently, Graham now seeks leave to file Plaintiff's Second Amended Complaint to add TALKASIA as a defendant in this cause.

5. As no party has appeared in this cause, Graham assumes this Motion for Leave is effectively unopposed.

PRAYER

WHEREFORE Plaintiff, Daniel Graham, prays that the Court grants Plaintiff's Motion for Leave to file Plaintiff's Second Amended Complaint. Plaintiff prays for any further relief to which he may be entitled in law or equity.

Respectfully submitted,

/s/Brent A. Devere

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